

REMARKS

Claims 1, 3, 4, 6-8, and 10-16 were pending. Claim 1 is amended and claim 7 is canceled by the present paper. The specification is amended to correct a minor grammatical error. No new matter is added by this amendment.

Drawing objection

The Examiner objected to the drawings because they do not show "the support (claim 1, line 11) and the spacer profile comprising a plurality of spacer elements (claim 7)." Applicants have amended claim 1 to remove the support and have canceled claim 7, so they respectfully ask the objection be reconsidered and withdrawn.

Claim objection

The Examiner objected to claim 1 for reciting "of similar construction and" at line 2. In response, Applicants have amended claim 1 to delete this phrase and request reconsideration and withdrawal of the objection.

Claim rejections: 35 U.S.C. § 112, first paragraph

Claims 1, 3-4, 6-8, and 10-16 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Regarding claim 1, the Examiner stated that the specification, as originally filed, does not disclose a spacer profile that includes a pad made of a soft material and a support as presently claimed.

In response, Applicants have amended claim 1 to remove the recitation "a support." This recitation was an inadvertent double inclusion.

Regarding claims 7 and 10, the Examiner stated that the specification, as originally filed, does not disclose a spacer profile that includes a pad made of soft material and the

features set forth in claims 7 and 10. Claim 7 has been canceled, so its rejection is moot.

With reference to claim 10, Applicants respectfully ask the Examiner to reconsider the rejection because the embodiments recited in claims 1 and 10 are not mutually exclusive. One of ordinary skill in the art would have recognized at the time the application was filed that the various disclosed embodiments could be combined. The specification also makes it clear that various features can be combined. For example, at page 4, line 28, it is stated: "The spacer profile *can also include* a circumferential, hermetically sealing bead..." (emphasis added). This means that a spacer profile may include both a pad made of a soft material and a circumferential, hermetically sealing bead.

The Examiner commented: "Actually, on page 8, lines 22-25, there is a circumferential bead 20 along the edge of the sound panel 13, not foam pad 19." True, the sealing bead embodiment depicted in Fig. 5c shows the bead as being placed around the edge of the sound panel, not the pad, but the above-recited excerpt of the specification does not require that every bead embodiment be so arranged.

The Examiner is invited to contact Applicants' Agent Scott Kamholz at 617-832-1176 or the group telephone number listed below to discuss any matter relating to this case.

Respectfully submitted,
FOLEY HOAG LLP



Scott E. Kamholz
Reg. No. 48,543
Attorney for Applicants
acting under 37 C.F.R. § 1.34

Dated: June 21, 2005
Customer No. 25,181
FOLEY HOAG LLP
155 Seaport Blvd
Boston, MA 02210-2600
Tel: (617) 832-1230
Fax: (617) 832-7000